APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,396	12/04/2001	Mark E. Epstein	5389.P001	9387

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EXAMINER
MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/005,396	EPSTEIN ET AL.
	Examiner	Art Unit
	Glenford Madamba	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 July 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>90-104</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>90-104</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 27,

2006 has been entered.

Response to Arguments

2.   This action is in response to remarks/arguments and amendments submitted on

July 27, 2006.

3.   With respect to the newly added claims 90-104, the Office has given

consideration to the Applicant's remarks concerning the claims, but are now considered

moot in light of the new grounds of rejection for the current listing of claims, provided

below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 90-94, 97, and 98-102 are rejected under 35 U.S.C. 102(b) as being

anticipated by Hamilton, U.S. Patent 5,852,722.

3. As per Claim 90, Hamilton discloses an apparatus comprising a control server

(Server_107 /106) [Fig. 1] that centrally manages configurations for a plurality of other

devices (Clients 102a-n) [Fig. 1] [Abstract], said control server including:

a first interface (Communications Interface_142) [Fig. 1] through which said

control server can communicate with other devices;

a storage portion that stores a plurality of device configurations corresponding to

respective devices other than said control server (Client Computer Information

Database_160) [Fig. 1];

a second interface (User Interface_109 / Communications Interface_103) [Fig. 1]

through which a user can present a request for an alteration to a selected one of said

device configurations [Abstract]; and

a further portion that responds to receipt of a user request through said second

interface by transmitting through said first interface a job for updating a device

associated with said selected device configuration, that subsequently receives updated

configuration information through said first interface, and that updates said selected

device configuration in said storage portion based on said updated configuration

information [Abstract] [Figure 1].

4.   As per Claim 91, Hamilton discloses an apparatus according to Claim 90,

wherein said device configurations in said storage portion are configured in a

hierarchical format (Client Computer #N Specific Data_1602(1)-(n)) [Fig. 1].

5.   As per Claim 92, Hamilton discloses an apparatus according to Claim 90,

including:

a control point (Router/Switch/Gateway_105) separate from said control server

and coupled to said first interface thereof; and

a plurality of devices (Clients 102a-n) [Fig. 1] that are separate from said control

point and said control server (Server_107 /106) [Fig. 1], that are each coupled to said

control point (Autoconfiguration Server_104) [Fig. 1], and that each contain

configuration information defining a respective configuration, said storage portion

including a group of said device configurations equal in number to the number of said

devices, and said device configurations in said group each including a copy of said

configuration information from a respective one of said devices (Client Computer

Information Database_160) [Abstract].

6.   As per Claim 93, Hamilton discloses an apparatus according to Claim 92,

wherein said devices are each physically remote from said control point

(Autoconfiguration Server_104) and from said control server, wherein said devices are

coupled to said control point through a network (Network_100); and wherein said control

point is coupled to said control server through a network (Network

Interconnectivity_105) [Abstract] [Fig.1].

7.   As per Claim 94, Hamilton discloses an apparatus according to Claim 92, wherein

said control point (Autoconfiguration Server_104) responds to receipt from said control

server (Server_107 /106) through said first interface (142) of a job for updating a

selected one of said devices by communicating with said selected device (Clients 102a-

n) in a native protocol thereof to update said configuration information in said selected

device as specified in the job ("client configuration request") [Step 306] [Fig. 3], by

thereafter communicating with said selected device in the native protocol thereof to read

the updated configuration information therefrom [Step 308], and by thereafter supplying

the updated configuration information (404-414) [Fig. 4] from said selected device to

said control server (Server_106 / 107) through said first interface (Interface_142) [Step

310 /312].

8.   As per Claim 97, Hamilton discloses an apparatus according to Claim 90,

including:

        first and second control points ("at least one autoconfiguration server") [Abstract]

that are each separate from said control server (Server 106 /107) and that are each

coupled to said first interface (Interface_142) [Figure 1];

          a plurality of first devices that are separate from said control points and said

control server, that are each coupled to said first control point, and that each contain

configuration information defining a respective configuration (Clients 102a-n); and

          a plurality of second devices that are separate from said control points, said

control server and said first devices, that are each coupled to said second control point,

and that each contain configuration information defining a respective configuration

(Clients 102a-n);

        wherein said storage portion includes a first group of said device configurations

equal in number to the number of said first devices, and includes a second group of

said device configurations different from said first group and equal in number to the

number of said second devices, said device configurations in said first group each

including a copy of said configuration information from a respective one of said first

devices, and said device configurations in said second group each including a copy of

said configuration information from a respective one of said second devices [Abstract]

[Figure 1].

9.   As per Claim 98, Hamilton discloses an apparatus according to Claim 97,

    wherein said first control point responds to receipt from said control server

(Server 106 / 107) [Figs. 1 & 2] through said first interface (105) of a job for updating a

selected one of said first devices (Clients 102a-n) by communicating with said selected

first device in a native protocol thereof to update said configuration information in said

selected first device as specified in the job, by thereafter communicating with said

selected first device in the native protocol thereof to read the updated configuration

information therefrom, and by thereafter supplying the updated configuration information

from said selected first device to said control server through said first interface

[Abstract] [Figs. 1, 2 & 3] [col 2, L49 – col 3, L11]; and

    wherein said second control point ("at least one autoconfiguration server")

responds to receipt from said control server through said first interface of a job for

updating a selected one of said second devices by communicating with said selected

second device in a native protocol thereof to update said configuration information in

said selected second device as specified in the job, by thereafter communicating with

said selected second device in the native protocol thereof to read the updated

configuration information therefrom, and by thereafter supplying the updated

configuration information from said selected second device to said control server

through said first interface [Abstract] [Figs. 1, 2 & 3] [col 2, L49 – col 3, L11].

10.   As per Claim 99, Hamilton discloses a method comprising using a control server to

centrally manage configurations for a plurality of other devices, including:

storing in a storage portion of said control server a plurality of device

configurations corresponding to respective devices other than said control server (Client

Computer Information Database_160) [Fig. 1];

accepting in said control server (Server 106 /107) a request from a user for an

alteration to a selected one of said device configurations [Abstract] [col 2, L35-48]; and

responding to receipt of the request by transmitting through an interface a job for

updating a device associated with said selected device configuration, subsequently

receiving updated configuration information through said interface, and then updating

said selected device configuration in said storage portion based on said updated

configuration information [Abstract] [Figs. 1, 2 & 3] [col 2, L49 – col 3, L11].

11.   As per Claim 100, Hamilton discloses a method according to Claim 99, including

organizing said device configurations in said storage portion in a hierarchical format

(Client Computer #N Specific Data_1602(1)-(n)) [Fig. 1].

12.   As per Claim 101, Hamilton discloses a method according to Claim 99, including:

coupling to said interface a control point (Router/Switch/Gateway_105) that is

separate from said control server (Server_107 /106) [Fig. 1];

coupling to said control point a plurality of devices (Clients 102a-n) that are

separate from said control point and said control server, and that each contain

configuration information defining a respective configuration (Client/ End User Specific

Conifguration Information_414) [Figs. 1 & 4];

configuring said device configurations in said storage portion to include a group

of said device configurations equal in number to the number of said devices [Abstract]

[Figs. 1 & 2]; and

causing said device configurations in said group to each include a copy of said

configuration information from a respective one of said devicesn [Figs. 1 & 4].

13.   As per Claim 102, Hamilton discloses a method according to Claim 101, including

causing said control point to respond to receipt from said control server through said

interface of a job for updating a selected one of said devices [Abstract] [col 2, L49 – col

3, L11] by:

communicating with said selected device in a native protocol thereof to update

said configuration information in said selected device as specified in the job [Fig. 1]

[Abstract] [col 2, L49 – col 3, L11];

thereafter communicating with said selected device in the native protocol thereof

to read the updated configuration information therefrom [Fig. 1] [Abstract] [col 2, L49 –

col 3, L11]; and

thereafter supplying the updated configuration information from said selected

device to said control server through said interface [Fig. 1] [Abstract] [col 2, L49 – col 3,

L11].

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 95, 96, 103 and 104 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hamilton in view of Frailong et al (hereinafter Frailong), U.S. Patent

6,496,858.

14. As per Claims 95 and 103, Hamilton in view of Frailong discloses an apparatus

according to Claim 94,

wherein said devices include first and second devices (Clients 102a-n) that

respectively have first and second native protocols that are different;

wherein when said selected device is said first device a first portion of said

control point is responsive to the job for generating commands in said first protocol for

said first device to carry out the configuration update defined in the job for said first

device (Client Computer #1 Specific Data_162-1) [Fig. 1] [col 3, lines 8-11]; and

wherein when said selected device is said second device a second portion of

said control point is responsive to the job for generating commands in said second

protocol for said second device to carry out the configuration update defined in the job

for said second device (Client Computer #2 Specific Data_162-1) [Fig. 1] [col 3, lines 8-

11].

Hamilton discloses as his invention a system and method for the automatic

configuration of devices such as home netwrork computers. The automatic

configuration is made possible using a distributed network of home computers, which

act as clients in the distributed network (home network client computers), an

autoconfiguration server, and other servers (i.e., Sales Server / Local Service Provider)

as needed. In particular, Hamilton discloses that upon power on, *a home network*

client computer determines if it has access to the requisite configuration information

needed to successfully configure itself. This requisite information consists of local

service provider information and *client computer specific data.* If the requisite

configuration information is not available, the home network client computer sends a

request to an autoconfiguration server requesting the requisite information. The

request sent to the autoconfiguration server includes client computer identifying

information for the requesting home network client computer [col 2, L35-48].

Upon receiving the request from a home network client computer, the

autoconfiguration server uses the client identifying information to determine the local

service provider information and client computer specific data needed for configuration

of the requesting home network client computer. The local service provider information

is determined from a directory of local service providers which can be accessed by the

autoconfiguration server. The client computer specific data is stored in a *client*

computer information database which can also be accessed by the autoconfiguration

server. The client computer specific data is collected and stored in conjunction with the

sale or acquisition of the home network client computer by the end user, and preferably

includes client computer serial number, client computer model information, sales

information identifying the end user or designated recipient of the home network client

computer, and *other end user specific configuration information* such as customer

configuration choices made when the customer purchased or ordered the computer.

The autoconfiguration server uses the client identifying information provided in

the request to find local service provider information and client computer specific data

corresponding to the particular requesting home network client computer. The local

service provider information and the client computer specific data is then downloaded

to the requesting home network client computer. The requesting home network client

computer then uses the requisite configuration information received from the

autoconfiguration server to configure itself. A connection is also established with the

local service provider [col 3, L1-12].

However, while Hamilton discloses substantial features of the invention such as

the method of claim 90, he does not expressly disclose the method wherein said

devices include first and second devices (Clients 102a-n) that respectively have first

and second native protocols that are different. The feature is disclosed by Frailong.

Frailong, in a related endeavor discloses as his invention a method for initializing

and reconfiguring a network interface device connecting a client computer system to an

external network. The network interface device is configured for the client system by

automated procedures and protocols initiated from a remote management server (e.g.

RMS_206). Software programs within the network interface device provide transparent

communication between the client computer system and services available on the

external network. Similar software programs and a configuration database within the

network interface device provide transparent communication between the client

computer system and the remote server [Abstract] [col 2, L30-56].

Specifically, Frailong discloses client network_120 comprising a plurality of client

devices and a network interface device (e.g. gateway interface device_208)

communicatively coupled to remote server_206 for initializing, configuring, and

upgrading the network interface device as well as client members of the LAN [col 2,

L30-56] [col 3. L38-41] [col 5, L12-40]. He further discloses multiple protocols

associated with the client devices and the network interface device or control point for

communication (e.g., HTTP [vol 8, L15-22], TCP/IP [col 12, L40-44], GIP [col 13, L67],

SSL [col 18, L39], UDP [col 20, L21-24]).

It would thus be obvious to one or ordinary skill in the art at the time of the

invention to combine/modify Hamilton's invention to include the feature of the method

wherein said devices include first and second devices (Clients 102a-n) that respectively

have first and second native protocols that are different, as taught by Frailong, for the

motivation of reconfiguring and/or upgrading a network interface device and the client

devices of the client LAN network to which it is coupled [col 3, L12-15 & 38-41] [col 5,

L24-40] [col 16, L53-62].

4.   As per Claims 96 and 104, Hamilton in view of Frailong discloses an apparatus

according to Claim 92, wherein said device configurations in said group each include a

history of configuration changes for the corresponding one of said devices.

Hamilton discloses as his invention a system and method for the automatic

configuration of devices such as home netwrork computers. The automatic

configuration is made possible using a distributed network of home computers, which

act as clients in the distributed network (home network client computers), an

autoconfiguration server, and other servers (i.e., Sales Server / Local Service Provider)

as needed. In particular, Hamilton discloses that upon power on, *a home network*

client computer determines if it has access to the requisite configuration information

needed to successfully configure itself. This requisite information consists of local

service provider information and *client computer specific data*. If the requisite

configuration information is not available, the home network client computer sends a

request to an autoconfiguration server requesting the requisite information. The

request sent to the autoconfiguration server includes client computer identifying

information for the requesting home network client computer [col 2, L35-48].

Upon receiving the request from a home network client computer, the

autoconfiguration server uses the client identifying information to determine the local

service provider information and client computer specific data needed for configuration

of the requesting home network client computer. The local service provider information

is determined from a directory of local service providers which can be accessed by the

autoconfiguration server. The client computer specific data is stored in a *client*

computer information database which can also be accessed by the autoconfiguration

server. The client computer specific data is collected and stored in conjunction with the

sale or acquisition of the home network client computer by the end user, and preferably

includes client computer serial number, client computer model information, sales

information identifying the end user or designated recipient of the home network client

computer, and *other end user specific configuration information* such as customer

configuration choices made when the customer purchased or ordered the computer.

The autoconfiguration server uses the client identifying information provided in

the request to find local service provider information and client computer specific data

corresponding to the particular requesting home network client computer. The local service provider information and the client computer specific data is then downloaded to the requesting home network client computer. The requesting home network client computer then uses the requisite configuration information received from the autoconfiguration server to configure itself. A connection is also established with the local service provider [col 3, L1-12].

However, while Hamilton discloses substantial features of the invention such as the method of claim 90, he does not expressly disclose the apparatus wherein said device configurations in said group each include a history of configuration changes for the corresponding one of said devices. The feature is disclosed by Frailong.

Frailong, in a related endeavor discloses as his invention a method for initializing and reconfiguring a network interface device connecting a client computer system to an external network. The network interface device is configured for the client system by automated procedures and protocols initiated from a remote management server (e.g. RMS_206). Software programs within the network interface device provide transparent communication between the client computer system and services available on the external network. Similar software programs and a configuration database within the network interface device provide transparent communication between the client computer system and the remote server [Abstract] [col 2, L30-56].

Specifically, Frailong discloses client network_120 comprising a plurality of client

devices and a network interface device (e.g. gateway interface device_208)

communicatively coupled to remote server_206 for initializing, configuring, and

upgrading the network interface device as well as client members of the LAN [col 2,

L30-56] [col 3. L38-41] [col 5, L12-40]. He further discloses Data Store_508 which

primarily stores parameters related to services. Changes to the data store are tracked

using a log file, and a mechanism is provided whereby the configuration manager can

roll back to a known good state for certain events (e.g., system crash) [col 10, L50-59].

It would thus be obvious to one or ordinary skill in the art at the time of the

invention to combine/modify Hamilton's invention to include the feature of the apparatus

wherein said device configurations in said group each include a history of configuration

changes for the corresponding one of said devices, as taught by Frailong, for the

motivation of reconfiguring and/or upgrading a network interface device and the client

devices of the client LAN network to which it is coupled [col 3, L12-15 & 38-41] [col 5,

L24-40] [col 16, L53-62].

Conclusion

1. The Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2151

JASON CARDONE
SUPERVISORY PATENT EXAMINER